

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**Jesus Cabrera Jaramillo, in his individual  
capacity, and in his capacity as the personal  
representative of the estate of Alma Rosa  
Jaramillo,**

**Sara González Calderón, in her individual  
capacity, and**

**Alonso Estrada Gutierrez, in his individual  
capacity, and in his capacity as the personal  
representative of the estate of Eduardo  
Estrada,**

**Plaintiffs,**

**v.**

**Carlos Mario Jiménez Naranjo, also known as  
“Macaco,” “El Agricultor,” “Lorenzo  
Gonzalez Quinchia,” and “Javier Montañez,”**

**Defendant.**

**CASE NO: 1:10-cv-21951-CIV-  
TORRES**

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**STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF PLAINTIFFS’  
MOTION FOR SUMMARY JUDGMENT**

## TABLE OF ABBREVIATIONS

“A. Estrada Decl.”	Declaration of Alonso Estrada Gutierrez, filed concurrently herewith
“Change of Plea Tr.”	Transcript of Change of Plea Hearing, <i>United States v. Jiménez Naranjo</i> , 07-20794-CR (S.D. Fla. Jan. 12, 2011), ECF No. 407
“De Roux Dep.”	Deposition of Father Francisco de Roux, taken on September 5, 2018
“Dec. 10, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated December 10, 2007 (produced by Defendant) <sup>1</sup>
“Def.’s Resps. and Objs. to Pls.’ RFAs”	Defendant’s Responses and Objections to Plaintiffs’ Second Request for Admissions, dated April 18, 2018
“Def.’s Resps. and Objs. to Pls.’ ROGS”	Defendant’s Responses and Objections to Plaintiffs’ First Set of Interrogatories, dated July 2016
“Dominguez Dep.”	Deposition of Kelly Dominguez, taken on September 6, 2018
“Duque Confession Transcript”	Transcript of a video clip of Iván Roberto Duque Gaviria, dated December 12, 2016 (video produced by Defendant)
“González Decl.”	Declaration of Sara González Calderón, filed concurrently herewith
“June 12, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 12, 2007 (produced by Defendant)
“June 13, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 13, 2007 (produced by Defendant)

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<sup>1</sup> All of Defendant’s *Versiones Libres* referenced herein, which are Defendant’s own admissions to the Colombian Justice and Peace process, were produced by Defendant in response to Plaintiffs’ discovery requests in this matter. *Versiones Libres* are confessions by demobilized paramilitaries as to all the crimes they committed as paramilitaries. These were required in order for them to enjoy the benefits of the Justice and Peace process. Sanchez-Garzoli Rep. at 10 (Ex. 1).

“June 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 2012 (produced by Defendant)
“June 4, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 4, 2012 (produced by Defendant)
“June 6, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 6, 2012 (produced by Defendant)
“June 8, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated June 8, 2012 (produced by Defendant)
“March 7, 2008 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated March 7, 2008 (produced by Defendant)
“May 29, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated May 29, 2012 (produced by Defendant)
“May 30, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated May 30, 2012 (produced by Defendant)
“May 31, 2012 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated May 31, 2012 (produced by Defendant)
“Micheo Email”	Email from Javier F. Micheo Marcial, Defendant’s Counsel dated February 20, 2018 (accompanying production of Video Confession of Iván Roberto Duque Gaviria)
“Montealegre Dep.”	Deposition of Oscar Leonardo Montealegre Beltran, taken on October 23, 2019
“Nov. 6, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated November 6, 2007 (produced by Defendant)
“Nov. 7, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated November 7, 2007 (produced by Defendant)
“Nov. 21, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated November 21, 2007 (produced by Defendant)

“Nov. 22, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated November 22, 2007 (produced by Defendant)
“Oct. 29, 2007 VL”	<i>Versiones Libres del Señor Carlos Mario Jiménez Naranjo</i> , dated October 29, 2007 (produced by Defendant)
“Orozco Confession”	Confession of Jairo Orozco, dated October 20, 2019
“Pérez Dep.”	Deposition of Rodrigo Pérez Alzate, taken on October 22, 2019
“Pérez Dep. Ex. 9”	<i>Versiones Libres</i> of Rodrigo Pérez Alzate, Exhibit 9 to the deposition of Rodrigo Pérez Alzate, taken on October 22, 2019
“Plfs.’ RFAs”	Plaintiffs’ Third Set of Requests for Admission to Carlos Mario Jiménez Naranjo, dated January 16, 2020 <sup>2</sup>
“Sanchez-Garzoli Rep.”	Updated Expert Report of Gimena Sanchez-Garzoli
“Sentencing Tr.”	Sentencing Hearing Transcript, <i>United States v. Jiménez Naranjo</i> , 07-20794-CR (S.D. Fla. Jan. 12, 2011), ECF No. 431
“Van Isschot Rep.”	Expert Report of Luis Van Isschot

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<sup>2</sup> Plaintiffs’ Third Set of Requests for Admission were served on counsel for Defendant on January 16, 2020. Plaintiffs never received a written answer or objection to these requests for admission, which are considered admitted in full as per Fed. R. Civ. P. 36(a)(3).

**I. THE BCB CARRIED OUT A POLICY AND PRACTICE OF TARGETED VIOLENCE AGAINST PERCEIVED GUERILLA SYMPATHIZERS WITH THE ACTIVE SUPPORT OF STATE ACTORS**

**A. The BCB was “a killing machine”**

1. In 1997, paramilitary groups in Colombia unified under the banner of the United Self-Defense Forces of Colombia (“AUC” for its Spanish acronym *Autodefensas Unidas de Colombia*). Van Isschot Rep. ¶ 19 (Ex. 2).
2. The AUC’s twin goals were to control the drug trade in its regions of operation and to combat guerilla forces in coordination with the Colombian government. *Id.* at ¶¶ 22, 24, 34-37; *see also* De Roux Dep. at 20:16-21:19, 50:18-51:12 (Ex. 3); Sanchez-Garzoli Rep. at 31 (Ex. 1). To accomplish those goals, the AUC engaged in a concerted campaign of targeted violence, with civilians as the primary victims. De Roux Dep. at 32:8-33:3 (Ex. 3); Van Isschot Rep. ¶¶ 18, 22-25 (Ex. 2).
3. In 2001 and 2003, respectively, the United States Department of State designated the AUC a “Foreign Terrorist Organization” and a “Foreign Narcotics Kingpin.” Van Isschot Rep. ¶ 24 (Ex. 2).
4. The *Bloque Central Bolívar* (“BCB”), led by Defendant, became the largest paramilitary group within the AUC and one of its most violent constitutive *bloques*. *Id.* ¶ 19; Sanchez-Garzoli Rep. at 24 (Ex. 1); De Roux Dep. at 22:3-9, 51:18-21 (Ex. 3); Pérez Dep. at 8:19-9:1, 9:18-24 (Ex. 4).
5. As the head of the BCB, Defendant was also one of the top leaders of the AUC, which was funded primarily through proceeds from narcotics trafficking. Change of Plea Tr. at 10:12-24 (Ex. 5); Pérez Dep. at 8:19-9:1, 14:16-19 (Ex. 4); Van Isschot Rep. ¶ 19 (Ex. 2).
6. By 2001, the BCB was present and active in departments in the Middle Magdalena region, including in its Southern Bolívar sub-region and in the town of San Pablo, where Eduardo Estrada was killed. Pérez Dep. at 7:4-20 (Ex. 4); Montealegre Dep. at 13:3-11 (Ex. 6); De Roux Dep. at 22:3-23:23 (Ex. 3); Van Isschot Rep. ¶¶ 20, 29, 62 (Ex. 2); Sanchez-Garzoli Rep. at 7-8, 25-26 (Ex. 1).
7. The BCB announced its entry into San Pablo in January 1999 with the massacre of fourteen civilians, which was carried out with the assistance of state security forces, who were informed in advance of the massacre by the BCB and purposely stood down. Pérez Dep. at 7:6-8, 24:25-25:18 (Ex. 4); De Roux Dep. at 30:22-31:24, 74:22-75:17 (Ex. 3); Van Isschot Rep. ¶¶ 20, 41

(Ex. 2); A. Estrada Decl. ¶ 7.

8. Following the massacre, BCB paramilitaries maintained a “fixed presence” in San Pablo until the BCB’s demobilization in 2006. Montealegre Dep. at 13:8-11 (Ex. 6); *see also* Pérez Dep. at 7:6-8, 24:25-25:18 (Ex. 4); De Roux Dep. at 23:7-17, 31:3-17 (Ex. 3); Dominguez Dep. at 10:6-19, 18:2-25 (Ex. 7); Van Isschot Rep. ¶¶ 20, 41 (Ex. 2).

9. The BCB routinely targeted and killed civilians it perceived as guerilla sympathizers in the regions under its control. Pls.’ RFAs, Nos. 33-36 (Ex. 8). At a minimum, Defendant’s BCB subordinates committed upwards of 1,300 murders, including mass killings of civilians and the targeting of families – men, women, and children alike. Van Isschot Rep. ¶¶ 20, 42 (Ex. 2); *see also generally Versiones Libres* (Exs. 16-31); Pls.’ RFAs No. 31 (Ex. 8).

10. The BCB was, in the words of Rodrigo Pérez Alzate, its former military commander, “a killing machine.” Pérez Dep. at 22:13-20 (Ex. 4); Montealegre Dep. at 11:13-12:15 (Ex. 6).

11. Civilians that the BCB killed included perceived guerrilla sympathizers as well as others, like community leaders, who might interfere with the BCB’s illegal drug trafficking business or its territorial control. Pérez Dep. at 18:12-19:11 (Ex. 4); Montealegre Dep. at 13:12-14:23 (Ex. 6); De Roux Dep. at 23:3-6, 24:23-25:22, 35:20-36:11, 36:16-17, 42:10-43:8, 47:1-8, 66:25-67:13 (Ex. 3); Van Isschot Rep. ¶¶ 21, 32-47 (Ex. 2); Sanchez-Garzoli Rep. at 35-36 (Ex. 1); Change of Plea Tr. at 12:6-13 (Ex. 5); Sentencing Tr. at 25:23-26:5, 28:1-20 (Ex. 9).

12. At the time of Eduardo Estrada’s killing in 2001, the BCB adhered to AUC regulations, Sanchez-Garzoli Rep. at 29 (Ex. 1), including one requiring that critics of the paramilitaries, including those who initiated legal processes against them, be designated as military targets for execution. De Roux Dep. at 36:3-20 (Ex. 3).

13. In San Pablo, “many” perceived guerrilla sympathizers, including civilians, were identified and killed by the BCB. Pérez Dep. at 22:3-9 (Ex. 4); *see also* Dominguez Dep. at 10:20-11:9 (Ex. 7).

#### **B. The BCB operated in a symbiotic relationship with Colombian state actors**

14. Despite its criminal activities, the AUC and its constitutive *bloques*, including the BCB, were a central component of Colombia’s strategy to combat its guerrilla insurgency. Van Isschot Rep. ¶¶ 24, 34-37, 48-50 (Ex. 2); Sanchez-Garzoli Rep. at 36-42 (Ex. 1).

15. The Middle Magdalena region in particular, was “ground zero for military-paramilitary collaboration in Colombia.” Van Isschot Rep. ¶¶ 51-60 (Ex. 2); *see also* De Roux Dep. at 28:2-8

(Ex. 3). State security forces unlawfully accompanied the paramilitary entry into the Middle Magdalena region, including with military helicopters. De Roux Dep. at 30:22-31:21, 73:15-74:12 (Ex. 3).

16. Multiple ties existed between Colombian state actors and the BCB: the police and military provided information to the BCB about suspected guerillas that led to their killing by the BCB, the military sold weapons to the BCB, the BCB bribed the police and military, and state authorities did not investigate killings by the BCB because of bribes paid by the BCB. Pls.’ RFAs Nos. 55-57, 65-67 (Ex. 8); *see also* Nov. 21, 2007 VL at 146, ¶ 33 (Ex. 21); Mar. 7, 2008 VL at 246, ¶ 88 (Ex. 24).

17. State security forces were complicit in the BCB’s violence, including by routinely providing the BCB with information to identify and kill perceived guerilla sympathizers within the civilian population. Montealegre Dep. at 15:3-12, 26:19-27:11 (Ex. 6); Pérez Dep. at 19:23-20:6; 28:16-18 (Ex. 4); *see also* De Roux Dep. at 27:24-29:4 (Ex. 3).

18. State actors further actively supported the BCB’s operations through intelligence sharing, as well as the provision of weapons and military uniforms to the paramilitaries. De Roux Dep. at 28:9-31:12, 34:2-16 (Ex. 3); Montealegre Dep. at 15:3-12, 15:24-16:9 (Ex. 6); Pérez Dep. at 25:2-18, 31:17-32:2 (Ex. 4); Sanchez-Garzoli Rep. at 28 (Ex. 1).

19. The BCB was involved in drug trafficking and other criminal activities. *See* ¶ 2, *supra*. Nonetheless, military commanders in the Middle Magdalena region saw the BCB as the “only allies they had” against the guerrillas. De Roux Dep. at 27:24-28:15 (Ex. 3).

20. Given their interdependence, state security forces routinely turned a blind eye to both the BCB’s presence in the Middle Magdalena region and to their criminal acts of violence against perceived guerilla sympathizers within the civilian population. *Id.* at 25:25-27:9, 27:24-28:18; Pérez Dep. at 34:6-12 (Ex. 4); Van Isschot Rep. ¶¶ 58-60 (Ex. 2); Sanchez-Garzoli Rep. at 40-41 (Ex. 1).

21. San Pablo, where the BCB’s presence and violent targeting of civilians were open and notorious, was no exception. De Roux Dep. at 23:7-23, 30:24-31:24, 74:22-75:17 (Ex. 3); Pérez Dep. at 30:10-11 (Ex. 4). The BCB carried out the 1999 San Pablo massacre, which announced their installation in the town, clad in military uniforms provided by the Colombian army. Pérez Dep. at 7:6-8, 24:25-25:18 (Ex. 4); De Roux Dep. at 30:24-31:12, 74:22-75:17 (Ex. 3); Van Isschot Rep. ¶¶ 20, 41 (Ex. 2).

22. By the time of Eduardo’s killing, San Pablo residents considered the local security forces to be the “same” as the paramilitaries. Dominguez Tr. at 19:1-18 (Ex. 7).

23. The relationship between the BCB and the state became so intertwined that the former took over functions of the latter. Van Isschot Rep. ¶¶ 61, 62-63 (Ex. 2). The BCB maintained an “alternative payroll” for payments to military and police force members. Pérez Dep. at 33:15-17 (Ex. 4); Pls.’ RFAs No. 66 (Ex. 8). The BCB controlled the political life in the Middle Magdalena region and in San Pablo specifically, including by determining who was allowed to run for mayor. De Roux Dep. at 22:20-25:5, 33:15-34:1 (Ex. 3).

24. In Defendant’s own words about the BCB: “We were the authority, we fixed everything, we were everything, we were the State.” June 13, 2007 VL at 48 (Ex. 17); *see also* De Roux Dep. at 23:20-23:6 (Ex. 3).

## **II. DEFENDANT LED THE BCB AS IT CARRIED OUT ITS POLICY AND PRACTICE OF TARGETED VIOLENCE**

### **A. Defendant founded the BCB over which he exercised continued authority as its General Commander**

25. Defendant founded the BCB in 2000 and continuously led the paramilitary organization as its General Commander until its demobilization in 2006. Nov. 6, 2007 VL at 115 (Ex. 19); Def.’s Resps. and Objs. to Pls.’ ROGS, No. 5 (Ex. 10); Pls.’ RFAs Nos. 29-30 (Ex. 8); Sanchez-Garzoli Rep. at 23 (Ex. 1).

26. As General Commander, Defendant had “authority over the lower-ranking members of the BCB,” Def.’s Resps. and Objs. to Pls.’ RFAs, No. 9 (Ex. 11), including those in San Pablo. Pls.’ RFAs. No. 39 (Ex. 8).

27. The command and disciplinary structures of the BCB were memorialized in a “Functions Manual” (*Regimen Disciplinario Interno, Manual de Funciones* (April 2001)). June 13, 2007 VL at 51 (Ex. 17).

28. Defendant’s functions as the BCB’s General Commander, included: (1) Represent the BCB and act as the spokesperson before the AUC and government bodies; (2) Manage the BCB’s income, expenditures, and budget, and supervise the collection of money and investments; (3) Designate the zone commanders; (4) Remove or transfer zone commanders when they commit abuses; (5) Remove any member of the political directorate when there was a serious history of non-compliance; (6) Order or authorize the creation, dissolution, annexation, or merger of zones



and fronts within the BCB's territory; (7) In conjunction with the Sub-Commander, coordinate, finance, and execute projects for economic and social development; (8) Manage the high-value assets of the BCB; (9) Manage the *matériel* and military supply-chain of the BCB; (10) Jointly exercise the functions of Inspector General, principally to ensure that subordinates comply with international humanitarian law and human rights law; and (11) Take part in peace negotiations with the National Government for the purposes of demobilization, delivery of weapons, deactivation of military and political structures, delivery of goods, and transfer of assets. *Id.* at 52; *see also* Pls.' RFAs Nos. 40-45 (Ex. 8).

29. The BCB was organized along a hierarchical command structure. June 13, 2007 VL at 33 (Ex. 17).

30. Within that structure, Defendant issued orders to subordinates and received reports from subordinates regarding BCB activities. Pls.' RFAs Nos. 46-47 (Ex. 8); Nov. 6, 2007 VL at 96 (Ex. 19).

31. Defendant met personally with the various zone commanders to evaluate the situation in the regions under BCB control. Oct. 29, 2007 VL at 88 (Ex. 18).

32. Reports were sent up the BCB chain of command by subordinates, including information on the number of guerilla sympathizers killed, BCB casualties, the procurement of weapons and whether a superior's order had been fulfilled. Montealegre Dep. at 24:14-26:7 (Ex. 6). Subordinates who did not carry out their superiors' orders were killed by the BCB. *Id.* at 26:8-11.

33. As General Commander, Defendant knew of the BCB's pattern and practice of killing civilians perceived as opponents, Pls.' RFAs Nos. 33-36 (Ex. 8), and was ultimately responsible "through the chain of command" for the acts of violence, including torture and murder, committed by BCB paramilitaries. *Id.*, No. 32; *see also* May 29, 2012 VL at 8, 11-14, 16 (Ex. 25); May 30, 2012 VL at 42, 44, 46, 59, 77 (Ex. 26); May 31, 2012 VL at 87, 89, 90, 107, 110 (Ex. 27); June 4, 2012 VL at 132, 134-35 (Ex. 28); June 6, 2012 VL at 179, 181-82, 184, 204 (Ex. 29); June 8, 2012 VL at 217, 219, 220, 236 (Ex. 30); June 2012 VL at 262, 266 (Ex. 31).

34. Defendant ordered the killing of the Jesuit priest Father Francisco de Roux, the then-head of the Program on Development and Peace ("PDP") for which Eduardo Estrada worked, before he was dissuaded by his second in command from carrying out the assassination as too politically risky. De Roux Dep. at 48:1-25, 67:14-68:22 (Ex. 3).

35. The BCB had three different *modus operandi* for carrying out its killings based on where

they took place. Nov. 7, 2007 VL at 125-27 (Ex. 20). In urban areas, like San Pablo (Van Isschot Rep. ¶¶ 27-28 (Ex. 2)), when an order was given by a BCB superior to “kill this person because there is information that they are a guerilla, financier or spy,” the BCB would find the victim, kill them and leave their body at the scene. Nov. 7, 2007 VL at 126 (Ex. 20).

36. Defendant’s narco-trafficking proceeds were integral to the BCB’s operations and to his authority over the organization. De Roux Dep. at 39:9-42:4, 69:16-71:22 (Ex. 3). The AUC and its constitutive *bloques*, including the BCB, were primarily drug trafficking organizations that tried to legitimize themselves through anti-guerrilla activities funded by drug proceeds. Change of Plea Tr. at 10:12-24 (Ex. 5); De Roux Dep. at 50:18-51:12 (Ex. 3); Sanchez-Garzoli Rep. at 30-33 (Ex. 1). At all relevant times, Defendant used the BCB to assume and maintain control of areas which were used to cultivate, process, transport and export cocaine to Central America, Mexico and the United States. Change of Plea Tr. at 12:6-13 (Ex. 5); Sanchez-Garzoli Rep. at 30-34 (Ex. 1); De Roux Dep. 22:20-23:17 (Ex. 3).

37. At the point of demobilization in 2005, the BCB had over 7,000 members and was the largest paramilitary group to demobilize. Sanchez-Garzoli Rep. at 24 (Ex. 1); Nov. 7, 2007 VL at 119 (Ex. 20). The BCB handed over 5,512 firearms, 2,122 grenades, thirteen four-wheel vehicles, five motorcycles, two aircrafts and two boats. Sanchez-Garzoli Rep. at 29 (Ex. 1).

38. As the General Commander of the BCB and a high-ranking representative of the AUC, Defendant presided over the demobilization of the various BCB fronts, often in military attire. *Id.*

**B. Defendant delegated responsibility for and then exercised direct command over the region where Eduardo Estrada was killed**

39. As General Commander and hierarchical head of the BCB, Defendant assigned responsibility to zone commanders over particular regions. June 12, 2007 VL at 32 (Ex. 16); *see also* June 13, 2007 VL at 52 (Ex. 17). It was the responsibility of these zone commanders to report to Defendant. Nov. 6, 2007 VL at 96 (Ex. 19).

40. In Southern Bolívar, where San Pablo is located, Defendant “made all preparations that would be required for [a similar business], hiring staff, for which [he] took into consideration experience and military training, logistics material and contacting the personnel who knew the region extensively” before “delegating the responsibility of the mission” to BCB military commander Rodrigo Pérez Alzate. June 12, 2007 VL at 19-20 (Ex. 16).

41. Rodrigo Pérez Alzate remained in the Southern Bolívar region for the BCB “until the start

of 2001.” June 12, 2007 VL at 22 (Ex. 16); *see also* De Roux Dep. 72:5-17 (Ex. 3). “Since 2001,” Defendant himself then became “responsible for the fronts located [in Southern Bolívar],” including San Pablo. June 12, 2007 VL at 32 (Ex. 16); Pérez Dep. Ex. 9 (Ex. 12); Pls.’ RFAs Nos. 37-39 (Ex. 8).<sup>3</sup>

### **III. BCB PARAMILITARIES KILLED EDUARDO ESTRADA AS PART OF THE ORGANIZATION’S POLICY AND PRACTICE OF TARGETED VIOLENCE**

#### **A. Eduardo Estrada was an “extraordinary community leader” in San Pablo**

42. Father Francisco de Roux, the current head of the Colombian Truth Commission, testified that Eduardo Estrada was an “extraordinary community leader.” De Roux Dep. at 52:19-21 (Ex. 3).

43. Eduardo Estrada was a small-scale farmer who was forced to move to the urban center of San Pablo because of the armed conflict. He initially sold food from a kiosk in San Pablo until he opened a small restaurant, which he operated with his common law wife Plaintiff Sara González Calderón. A. Estrada Decl. ¶ 5; González Decl. ¶ 2; De Roux Dep. at 49:11-14 (Ex. 3).

44. Eduardo’s desire to help his community led him to join the PDP. A. Estrada Decl. ¶ 8.

45. The PDP was a program led by the Jesuit order in Colombia, with the aim of encouraging peace efforts in war-ravaged regions in Colombia, and building social and economic development, including by providing farmers alternatives to coca cultivation. De Roux Dep. at 11:19-12:8, 15:4-16:23 (Ex. 3). The PDP assisted about 150,000 people participating in its program, but its direct members – leaders of the community – were only about 300. *Id.* at 17:11-15.

46. Eduardo quickly assumed a leadership role within the PDP, including through serving as the coordinator of the People’s Steering Committee (*Núcleo de Pobladores*) for San Pablo. *Id.* at 17:16-22; Montealegre Dep. at 19:1-9 (Ex. 6).

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<sup>3</sup> In his deposition, Rodrigo Pérez Alzate stated that he had remained in Southern Bolívar through 2001. Pérez Dep. at 9:18-10:6 (Ex. 4). His statement is insufficient to create a genuine issue of material fact on this discrete point given Defendant’s own explicit admissions (June 12, 2007 VL at 32 (Ex. 16); Pls.’ RFAs Nos. 37-39 (Ex. 8)), Rodrigo Pérez Alzate’s own *Versiones Libres* stating otherwise, and the overwhelming evidence to the contrary (*see e.g.*, Sanchez-Garzoli Rep. at 27 & n.82 (Ex. 1)). Despite claiming that other written statements existed as to Defendant’s command over certain actors (Pérez Dep. at 36:13-38:1 (Ex. 4)), neither Alzate nor Defendant ever provided any such written statements, nor is there any evidence that they exist. *See* Sanchez-Garzoli Rep. at n.82 (Ex. 1). Plaintiffs note the issue in the interest of full transparency.

47. His activities with the PDP were viewed by the BCB as proof that he was a guerrilla sympathizer, including his offering of his restaurant as a meeting place for small scale farmers, documenting local corruption, spearheading a citizen training program in partnership with Javeriana University, seeking to establish a community radio station in San Pablo, and advocating for the creation of a ceasefire zone where guerrillas could meet with the Colombian government to negotiate peace, with the participation of civil society. De Roux Dep. at 49:5-50:3 (Ex. 3); Montealegre Dep. at 18:21-23, 21:1-9, 22:14-22 (Ex. 6); A. Estrada Decl. ¶¶ 8-12.

48. Eduardo's ceasefire zone advocacy on behalf of the PDP, in particular, put him at significant danger, as this initiative was opposed by the BCB and the local Colombian military forces. De Roux Dep. at 49:20-51:21, 52:8-18 (Ex. 3); Pérez Dep. at 26:23-27:13 (Ex. 4). At least 12 PDP leaders who supported ceasefire zones were murdered by the BCB. De Roux Dep. at 43:18-44:15 (Ex. 3).

49. As a result of his popularity within the community, Eduardo was considered a potential candidate for mayor of San Pablo, which also made him a target of the BCB, which sought to control who could run for mayor in towns it controlled. *Id.* at 24:2-25:5.

50. Eduardo did not support any illegal armed groups, including the BCB and the guerrillas. González Decl. ¶ 4; De Roux Dep. at 64:11-23 (Ex. 3). He was a civilian who played no active part in the conflict. González Decl. ¶ 4; De Roux Dep. at 64:11-23 (Ex. 3).

51. Nevertheless, the BCB viewed Eduardo's PDP work and his prominent role within the community as a threat and targeted him as a perceived guerrilla sympathizer, in keeping with the BCB's broader pattern and practice. Montealegre Dep. at 18:21-19:25, 21:1-9, 22:14-22 (Ex. 6); De Roux Dep. at 24:2-25:5, 43:18-44:15, 49:20-51:21, 64:11-20 (Ex. 3); Van Isschot Rep. ¶ 47 (Ex. 2).

#### **B. The BCB killed Eduardo Estrada while state actors turned a blind eye**

52. BCB paramilitaries under Defendant's direct command killed Eduardo in San Pablo. Pls.' RFAs Nos. 62, 69-70 (Ex. 8).

53. The BCB killed Eduardo because it perceived him to be a guerrilla sympathizer. Montealegre Dep. at 18:21-22:3, 22:14-23:2, 24:4-13 (Ex. 6); Pérez Dep. Ex. 9 (Ex. 12); Duque Confession Transcript (Ex. 13); *see also* Micheo email (Ex. 14); Orozco Confession (Ex. 15).

54. On July 15, 2001, BCB zone commander John Francis Arrieta (alias Gustavo Alarcón) issued the order to kill Eduardo to a BCB military commander in the area, Felipe Candado, who

passed the order on to the BCB commander in San Pablo, Juan Esteban, who tasked two BCB hitmen with carrying out the execution that same night in San Pablo. Montealegre Dep. at 18:21-22:3, 22:14-23:2, 24:4-13 (Ex. 6); Pérez Dep. Ex. 9 (Ex. 12); Orozco Confession (Ex. 15).

55. The BCB's murder of Eduardo – carried out by a hitman who located him, shot him, and left his body at the scene – was carried out in accordance with the organization's *modus operandi* for killings in urban areas like San Pablo. Nov. 7, 2007 VL at 126 (Ex. 20).

56. Eduardo was killed by an individual that an eyewitness recognized as a known paramilitary member in San Pablo. Dominguez Dep. at 12:4-22:5 (Ex. 7).

57. A little after midnight on July 16, 2001, Plaintiff Sara González, Eduardo's common law spouse, was walking arm-in-arm together with Eduardo on their way home after listening to music at a local park on the occasion of a religious festival. González Decl. ¶¶ 7-8.

58. When they were about two blocks away from their home, Eduardo's killer approached them from behind and shot Eduardo in the back of his head. *Id.* ¶ 8; A. Estrada Decl. ¶ 18.

59. The sound of the shot was so loud, and the shock so immense, that Sara fell to the ground, briefly losing consciousness. González Decl. ¶ 8.

60. When she regained consciousness, she saw the man who shot Eduardo standing over her with a gun in his hand. *Id.*

61. She began to scream, but then realized her life was in danger too. *Id.* With fear for her own life, and thinking about the wellbeing of their daughter, she stopped screaming and could not move. *Id.* The hitman stood over her for a few more seconds, before walking casually away toward another neighborhood. *Id.*

62. Sara screamed for help. *Id.* ¶ 9. Eduardo was unresponsive. *Id.*

63. Alonso Estrada, Eduardo's brother, arrived on the scene. Along with several others, he transported Eduardo to a hospital where Eduardo was pronounced dead soon thereafter. *Id.* ¶¶ 12-14; A. Estrada Decl. ¶¶ 16, 18.

64. The BCB targeted Eduardo within earshot of the nearby local police station, yet no police came to inquire about the multiple gunshots, the screaming or the commotion of people trying to aid Eduardo. González Decl. ¶ 10; A. Estrada Decl. ¶ 17.

65. A group of 40 to 50 members of the Colombian military were stationed nearby in a local school – also within earshot of where the BCB targeted Eduardo. A. Estrada Decl. ¶ 17.

66. One of the soldiers passed by the scene of the killing while Eduardo was lying on the

ground, grievously wounded. González Decl. ¶ 11. However, he did not call for assistance or backup, nor did he offer assistance himself. *Id.* Instead, the soldier left at a leisurely pace and no one else from the army or the police ever came to assist Eduardo, either at the scene of his shooting or later that night at the hospital where he died. *Id.* ¶¶ 11, 13; A. Estrada Decl. ¶ 18.

### **C. The devastating impact of Eduardo Estrada's murder**

67. Sara and Eduardo lived together for 18 years in San Pablo, where they jointly owned and operated their restaurant and raised their daughter. González Decl. ¶ 2. It was well known to everyone in the town that Sara and Eduardo were life partners. *Id.* ¶ 5.

68. Sara's life was completely upended by the killing of Eduardo. *Id.* ¶ 18. She was robbed of a loving, strong and stable relationship that had lasted for nearly two decades. *Id.* ¶¶ 2, 18. Witnessing Eduardo's violent death while simultaneously fearing for her own life was a traumatic experience that will forever haunt her. *Id.* ¶ 18.

69. In the months that followed, Sara required psychological help from her church. *Id.* ¶ 17. Eduardo's death denied Sara the chance to raise her daughter with her partner. *Id.* ¶ 18. Having to tell their daughter that Eduardo had been killed was deeply painful as a mother. *Id.* ¶ 14.

70. Eduardo was Alonso's older brother. A. Estrada Decl. ¶ 2. Eduardo was an inspiration to Alonso and the reason he became a teacher. *Id.* ¶ 3. Eduardo's death was devastating to Alonso, as well as to his whole family. *Id.* ¶ 20. Alonso continues to grieve for his brother to this day. *Id.* ¶ 21.

71. Eduardo's death reverberated throughout the community. *Id.* ¶ 20. After Eduardo was murdered, more than a thousand people attended his funeral, due to the appreciation and trust that the population had for Eduardo. De Roux Dep. at 65:1-11 (Ex. 3).

72. For the BCB however, Eduardo's murder had its intended impact: The San Pablo community "submitted to fear and silence for a time." *Id.* at 42:17-20, 65:16-17; Van Isschot Rep. ¶ 47 (Ex. 2).

73. Both Sara and Alonso sought justice for Eduardo's killing through the Colombian criminal justice system and the Colombian Justice and Peace process, though Defendant was expelled from the latter for continuing to engage in criminal activity. González Decl. ¶ 15; A. Estrada Decl. ¶ 21; Pls.' RFAs No. 71 (Ex. 8). All to no avail. Close to two decades after Eduardo's murder, no one has ever been held responsible for his killing. González Decl. ¶ 15; A. Estrada Decl. ¶ 21.

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Respectfully Submitted,

/s/ Robert Kerrigan

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